

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CURTIS McDANIEL,

Plaintiff,

-against-

THE PEOPLE OF THE STATE OF NEW YORK, et
al,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/16/2021

1:19-CV-7680 (AJN) (KHP)

ORDER

CURTIS McDANIEL,

Plaintiff,

-against-

NYC FIRE DEPARTMENT, NYC POLICE
DEPARTMENT, JOHN and JANE DOES 1-7,
CITY OF NEW YORK,

Defendants.

KATHARINE H. PARKER, United States Magistrate Judge:

Pursuant to a case management conference today, the Court was informed that service of Plaintiff's Fourth Amended Complaint has not yet been executed on Defendant Rosanna Espinal or Defendant Judy Biondolillo. While the Court acknowledges that its previous order provided the U.S. Marshal's with a 90-day deadline from October 15, 2021, the Court respectfully requests that the U.S. Marshal's serve these Defendants before December 31, 2021 if at all possible because all other defendants have been served.

The following addresses were provided for purposes of service of process:

Police Officer Rosanna Espinal, Shield No. 23019
New York City Police Department
23rd Precinct
162 East 102nd Street
New York, NY 10029

Sergeant Judy Biondolillo, Shield No. 3229
New York City Police Department
Housing Bureau P.S.A. #5
221 East 123rd Street
New York, NY 10035

Because Plaintiff has been granted permission to proceed *in forma pauperis* (“IFP”), he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the Court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP). Accordingly, the Clerk of Court is respectfully requested to issue a summons as to the above-listed Defendants, and the Marshalls are directed to serve the Fourth Amended Complaint on the above-listed by **December 31, 2021**.

CONCLUSION

To allow Plaintiff to effect service on all Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of the Defendants for whom an address was provided above. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants.

The Clerk of Court is directed to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: December 16, 2021
New York, New York

A handwritten signature in blue ink that reads "Katharine H. Parker".

KATHARINE H. PARKER
United States Magistrate Judge

The Clerk of Court is requested to mail a copy
of this order to:

**Curtis McDaniel
DIN # 20-A-0242
Bare Hill Correctional Facility
Caller Box 20
181 Brand Road
Malone, NY 12953**